

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
v.)
RICHARD BUSH,) Criminal Action No. 12-92
MAYANK MISHRA,)
WILLIS WHEELER,)
Defendants.)
)
)

ORDER

For the reasons set forth below, Defendant Willis Wheeler and the Government's Joint Motion to Sever Defendant Willis Wheeler (Doc. 256) is GRANTED and Defendant Wheeler's Motion to Continue the Trial Date (Doc. 254) is GRANTED.

Trial currently is scheduled for December 1, 2015, for Defendants Wheeler, Richard Bush, and Mayank Mishra. On October 7, 2015, Defendant Wheeler's previous attorney withdrew for health reasons (Doc. 249)¹ and the Court appointed him new counsel. Doc. 250. Defendant Wheeler and the Government filed a Joint Motion to Sever Defendant Wheeler from the remaining two Defendants, Doc. 256, and Defendant Wheeler filed a Motion to Continue the Trial Date. Doc. 254. Defendant Wheeler argues that severance and a subsequent continuance are necessary in order for his new counsel to have adequate time to prepare for trial. Doc. 256

¹ The Court understands that Defendant Wheeler's former counsel, Gary Zimmerman, recently has passed away.

at ¶ 2. The Government does not object to prosecuting Defendant Wheeler separately from Defendants Bush and Mishra.² Id.

Given the parties' recent agreement with respect to severance, and given that trial is mere weeks away, the Court finds that the ends of justice are served by granting the relief sought by Defendant Wheeler. As such, the Joint Motion to Sever Defendant Willis Wheeler (Doc. 256) and Defendant Wheeler's Motion to Continue the Trial Date (Doc. 254) are GRANTED. Trial is scheduled Defendant Wheeler for **April 11, 2016, at 9:30 am.**

IT IS FURTHER ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the period of delay from December 1, 2015, until April 11, 2016, shall be excluded in computing the time within which the trial of Defendant Wheeler in the above-captioned action must commence. Specifically, the Court finds that the ends of justice served by granting this continuance outweigh the best interest of the public and Defendant to a speedy trial, 18 U.S.C. § 3161(h)(7)(A), because, for the reasons stated by Defendant in support of his Motion to Continue, said reasons being incorporated by reference as if fully restated herein, the failure to grant such continuance would deny counsel for Defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

² The Court notes that some of the reasons proffered by the Government in support of severance were raised for the first time in the instant joint motion and the Government has long opposed severance in this case.

A four-day trial for Defendant Wheeler is scheduled for **April 11, 2016, at 9:30 am.** A Final Pretrial Conference for Defendant Wheeler is RESCHEDULED for **March 29, 2016,** **10:00 am.** All other deadlines and provisions set forth in the January 5, 2015, Amended Final Pretrial Order (Doc. 209) remain in effect.

IT IS SO ORDERED.

November 4, 2015

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via ECF email notification):

All Counsel of Record